

**DETAILED ACTION**

- 1 This action is responsive to the amendment filed on September 18, 2008.
- 2 The cancellation of claims 1 and 2 is acknowledged. Pending claims are 3-12.

**EXAMINER'S AMENDMENT**

- 3 An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael J. Striker on October 10, 2008.

The application has been amended as follows:

**In the claims:**

In claim 10, in line 1, replace "one of claims 3-9" with --claim 4--.

In claim 11, in line 1, replace "one of claims 3-9 and 12" with --claim 4--.

In claim 12, in line 1, replace "one of claims 5, 6, and 8" with -- claim 5--.

- 4 Claims 3-12 are allowed.

**STATEMENT OF REASONS FOR ALLOWANCE**

- 5 The following is an examiner's statement of reasons for allowance:

The closest prior art of record (GB 885521) does not teach or disclose the species of cationic heteroarylazine dyes as claimed. Further, the closest prior art of record (GB' 521) does not teach or disclose an agent for dyeing of keratin fibers comprising cationic heteroarylazine dyes of the claimed formulae (I) or (II) in a combination with polymers, oxidants or oxidation

dye precursors as claimed. Accordingly the claimed subject matter as a whole would not have been obvious to one having ordinary skill in the art of keratin fibers dyeing formulation.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eisa B. Elhilo whose telephone number is (571) 272-1315. The examiner can normally be reached on M - F (8:00 -4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pyon Harold can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Art Unit: 1796

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/Eisa B Elhilo/  
Primary Examiner, Art Unit 1796  
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